

**UWL Faculty Senate Hearing Committee
Active Hearing Committee
In the matter of Professor Joseph Gow**

July 11, 2024

To: James Beeby, Chancellor
Professor Joseph Gow
Greg Ormes, Chair, Faculty Senate

Re: Committee Report, Findings, and Recommendations

The UW-La Crosse Faculty Senate Hearing Committee Active Hearing Committee (“Committee”) provides this report pursuant to Wis. Admin. Code § UWS 4.07(1) and UWL Faculty Senate Bylaws Section II.N.3.d and includes the findings and recommendations of the Committee related to the dismissal hearing requested by Professor Joseph Gow.

This Committee is charged with safeguarding the institution of faculty tenure by providing UWL faculty members with a fair hearing and confidence in this process of judgment by peers. In summary, it is the unanimous opinion of the Committee that the University administration has established just cause to dismiss Prof. Gow from his faculty position based on a clear preponderance of the evidence.

Procedural History

This matter began with a complaint against Prof. Gow received by then-Interim Chancellor Morgan on December 27, 2023. Chan. Morgan determined that it was appropriate to investigate the complaint and designated investigators to do so. Upon completion of the investigation report, Chan. Morgan offered to discuss the matter informally with Prof. Gow prior to reaching a decision on filing charges. Prof. Gow declined the opportunity to meet with Chan. Morgan.

On March 29, 2024, Chan. Morgan issued a written statement of charges against Prof. Gow that she alleged constituted just cause to pursue Prof. Gow’s dismissal. Prof. Gow requested a hearing on the charges.

The Committee conducted the hearing on June 19-20, 2024, consistent with UWS 4 and UWL Bylaws § II.N. The issue before the committee was whether the university, by the chancellor’s statement of charges and the university’s presentation of its case at hearing, established just cause to dismiss Professor Gow.

Evidence

In advance of the hearing, both parties submitted documentary evidence. The University administration’s exhibits are labeled UWL 101-A through UWL 111. Prof. Gow’s exhibits are labeled Gow 1 through Gow 12. The parties also submitted stipulations of fact.

At the hearing, live testimony was presented by the following individuals:

1. Jerry Bui, forensic information technology expert;
2. Linda Dickmeyer, Chair, Department of Communication Studies;
3. Dan Chanen, Associate Vice President and Chief Human Resources Officer, Universities of Wisconsin Administration;
4. Joseph Gow¹;
5. Betsy Morgan, then-Interim Chancellor; and
6. David Kim, Chief Information Officer.

The hearing was audio-recorded consistent with applicable rules.

Per UWS 4 and UWL Faculty Senate Bylaws, this report was submitted to Chancellor James Beeby, Professor Joseph Gow, and Faculty Senate Chair Greg Ormes. In addition, all the above evidence was submitted to Chancellor Beeby along with this report.

Findings of Fact

To aid in organization, each charge with allegations from Chan. Morgan's written Statement of Charges is repeated below (indented), followed by the Committee's findings in response to each charge based on the evidence submitted and presented as part of the hearing process for this matter.

Charge 1. Unethical and potentially illegal conduct

1. You have appeared in and posted numerous pornographic videos on publicly accessible websites (both for free and for payment) in which you are clearly identifiable and reference both your midwestern location and your academic career (mentioning, e.g., the "President," "student enrollment," and the "Provost").
2. In a pornographic video posted for sale on November 2, 2023, your spouse, Dr. Carmen Wilson, states, "Joe gets recognized all the time when we go out. He is the head of a university. Everywhere we go it's 'Oh, that's Joe Gow.'"
3. Since the Universities of Wisconsin discovered your pornographic production activities in December of 2023, you have acknowledged the activities, have expressed your desire to continue engaging in the activities, and have promoted your content.
4. You continue to receive earnings from viewings of your pornographic videos.
5. You had clear knowledge of the potential damage and disruption from your conduct and continued to engage in it. Both in your published books and in your podcast, you made statements acknowledging your attempts to hide your pornographic activities from UWL because you knew that those activities would not be considered acceptable and would cause a "big scandal."
6. You have stated in your books (originally authored under a pseudonym), *Monogamy with Benefits* and *Married with Benefits*, that "all the events described are true," and that you are telling a "true story" with only names and identifying characteristics changed. In those books you admit to engaging in several instances of apparently illegal conduct including:
 - a. You paid \$400 to have oral sexual contact with a stripper in Hollywood, Los Angeles.

¹ The University administration called Prof. Gow as an adverse witness; Prof. Gow consented to testify.

- b. You paid \$500 to have oral sexual contact with a stripper in New Orleans and paid an additional \$50 to penetrate the stripper. You admitted that some people would conclude you had broken the law.
 - c. On three separate occasions, you paid a stripper to have sex with you and/or your spouse.
 - d. You paid an escort to have sex with you and your spouse somewhere less than an hour's drive from your home.
7. At other places in your books, you describe a dereliction of your duties such as:
 - a. You planned a pornographic video shoot around travel for a business conference in Los Angeles.
 - b. You ignored work calls regarding arrangements for an event where UWL was hosting a visit from "a famous politician," and delegated the preparation to your direct reports because you did not want it to be a "distraction" for your pornographic video shoot.
8. You arranged for a paid campus presentation by Nina Hartley, a pornographic actor and pornography industry educator and advocate without disclosing that you had a prior professional relationship with her. You developed the idea of inviting Hartley to campus while on the set with her shooting a pornographic video. You did not disclose this information at the time you were disciplined thereby misleading the Universities of Wisconsin into believing that you did not know Hartley before she spoke at UWL.
9. Following your termination as chancellor, you received a payout of unused vacation in the amount of 166.65 hours (\$21,048.56). However, you were often unavailable as chancellor and out of the office without any clear indication that you were working and without claiming vacation. On numerous occasions you reported six hours only of vacation time when the rules required you to report eight hours.
10. You traveled with your spouse, Dr. Carmen Wilson, and charged her expenses to the UWL Foundation. Her business purpose in accompanying you was often undocumented or unclear, and it appears that some of these trips included a deviation to make pornography.
11. Following at least two UWL football games you took a large volume of leftover catered wine from the Chancellor's Box for your own personal use.
12. You instructed your Executive Assistant, Sara Olson, to print a 200-page vegan cookbook on UWL equipment, which you said was for Dr. Wilson.

Committee findings regarding Charge 1:

The Committee finds **allegation 1** to be true based on Prof. Gow's admission at the hearing and statements to this effect in press coverage (see UWL 106-D through 106-G, 107-C through 107-F), in addition to evidence presented by the University administration (see UWL 108-A and 108-B).

Allegation 2 is also not in dispute.

The Committee finds sufficient evidence to support **allegation 3** based on press coverage Prof. Gow has engaged in since December 2023 and continued posting from Prof. Gow's social media accounts linked to his pornographic content (see UWL 106-D through 106-G, 107-C through 107-F, and 108-A and 108-B). Prof. Gow, by his own statements at the hearing, acknowledged "surprising, stunning" increased viewings of (and consequently earnings from) his pornographic videos, substantiating **allegation 4** (see also Stipulation of Fact 3).

Allegation 5 is supported by Prof. Gow's use of a pseudonym to write books with pornographic and sexual content (see Stipulation of Fact 4) and nonidentifying monikers to maintain social media accounts promoting his pornographic content (see UWL 108-A and 108-B).

Regarding **allegations 6 and 7**, Prof. Gow did not deny the statements made in his books; however, he disputed the veracity of the books' statements that "all of the events described are true" as a matter of creative license in the production of creative nonfiction.

The Committee finds **allegation 8** to be supported by the evidence presented. Prof. Gow testified to paying Ms. Hartley's talent agent for Ms. Hartley to appear in a pornographic video shoot; it is not disputed that Prof. Gow did not disclose this prior professional relationship when inviting her to speak at UWL. Prof. Gow's testimony to deflect responsibility for the decision to invite Ms. Hartley to speak at UWL and that he did not perceive a conflict of interest in this invitation was unpersuasive.

Allegation 9 is supported by Stipulation of Fact 5 for the payment itself and by Ms. Olson's calendar records of Prof. Gow's time out of office and recollection of his parameters for setting meetings on campus in comparison to Prof. Gow's leave reporting (see UWL 101-C pp. 194-205, 219).

Although the University provided evidence (see UWL 101-C pp. 211-214) that Prof. Gow traveled with Dr. Wilson and travel expense reimbursements lacked sufficient information to ascertain certain details of the trips' eligibility for reimbursement, the Committee did not find the evidence sufficient to uphold **allegation 10**.

The Committee did not find the events in **allegation 11**, as isolated incidents, to be of significant concern in relation to the other allegations of unethical conduct.

Allegation 12 is substantiated by Stipulation of Fact 6.

Charge 2. Violation of the Interim Chancellor's work directive to cooperate with investigation

1. You were instructed, in writing on December 29, 2023, by the Interim Chancellor, that "[a]s a condition of your employment you are required to give [the identified outside investigators] your full cooperation."
2. You refused to schedule an interview with the investigators or otherwise communicate with them until you had hired an attorney.
3. From December 29, 2023, to February 6, 2024, you apparently did not hire an attorney and still refused to speak with the investigators.
4. You rejected the investigators' request to provide releases so that investigators could verify whether you had made sufficient earnings from outside activities to trigger ethics reporting requirements.
5. You deleted information from your university issued computers prior to returning them for the investigation.

Committee findings regarding Charge 2:

The Committee finds **allegations 1 through 3** to be supported by the evidence presented. The University presented a series of exhibits (see UWL 103-A through 103-F) documenting email exchanges between Chan. Morgan and Prof. Gow regarding the investigation process and Prof.

Gow's role in it. Although Prof. Gow raised arguments regarding his efforts to obtain an attorney and the logistics of conducting an investigatory interview out-of-town, these were unpersuasive to the Committee to excuse his lack of participation. Mr. Chanen testified to the reasonableness of the investigators' terms of engagement and that he would consider failure to participate in an interview under these circumstances to be insubordinate. Chan. Morgan's directive to Prof. Gow was to give the outside investigators his "full cooperation."

The Committee also finds sufficient evidence to substantiate **allegation 4**. Apart from Prof. Gow's objection to the scope and length of time covered by the release in hearing testimony, his refusal to provide the release was undisputed and the Committee determined that Prof. Gow could have negotiated a narrower release during the investigation. The Committee did not believe Prof. Gow satisfied his duty to cooperate by offering an alternate file with information relevant to the release request.

With respect to **allegation 5**, the Committee does not find sufficient evidence to support the allegation that Prof. Gow deleted information from UWL-issued devices with intent to hinder the investigation prior to returning them for investigation.

Charge 3. Violation of information technology use policies

1. In the summer of 2023, you received dozens of vendor emails on your work account (jgow@uwlax.edu) for sex toys and other sex products which included graphic and pornographic imagery. You did not, apparently, take timely action to eliminate the vendor emails.
2. You used your work account email to purchase two books from Amazon.com relating to pornography in 2016.
3. You used your UWL iMac computer to download and a UWL network printer to print out a pre-filled PDF "Co-Performer Consent and Release Form" for a pornographic website known as xHamster.com in November 2023.
4. On UWL-issued MacBook laptop computers you and/or your spouse, Carmen Wilson, configured your Safari web browsers to autofill username and password credentials for many websites including at least seven pornographic websites. The only reason for the autofill information to exist would be to access the websites from the computers in question. You attempted to hide this use by manually clearing the saved credentials prior to returning the computers to UWL.

Committee findings regarding Charge 3:

The Committee finds allegations 1 through 3 to be substantiated based on the evidence presented. Regarding **allegation 1**, the University administration demonstrated that these emails were available in Prof. Gow's UWL inbox upon forensic examination (see UWL 101-C pp. 46-72). Regarding **allegation 2**, the University administration's presentation of evidence of Prof. Gow's purchase of books related to pornography was uncontroverted at the hearing (see UWL 101-C pp. 74-77).

Regarding **allegation 3**, the clear preponderance of the evidence establishes that in November 2023, Prof. Gow downloaded and printed the xHamster form (prefilled with his name) using UWL devices (see UWL 101-C pp. 85, 98-100). The Committee did not find Prof. Gow's statements

regarding the timing of printing or the role of the forensic IT expert persuasive in the face of Mr. Kim's rebuttal testimony regarding the logs obtained for Prof. Gow's computer printer usage.

With respect to **allegation 4**, the Committee does not find sufficient evidence to support the allegation that Prof. Gow attempted to hide autofill credentials for pornographic websites by manually clearing them from UWL devices. However, it does find that the evidence demonstrates that these credentials were at some time saved on Prof. Gow's UWL-issued devices (see UWL 101-C p. 86).

Discussion and Conclusions regarding Charges

Before addressing each of the three charges specifically, the Committee notes two items relevant to its consideration of this matter.

1. The Committee determined how to apply the University administration's argued standard of just cause. The University administration cited *Safransky v. Personnel Board*, 62 Wis. 2d 464 (1974), to put forth a definition of just cause for Wisconsin public employees. *Safransky* states that just cause can be found if "some deficiency has been demonstrated which can reasonably be said to have a tendency to impair his performance of the duties of his position or the efficiency of the group with which he works" or if conduct "in violation of important standards of good order can be so substantial, oft repeated, flagrant, or serious" that an employee's retention would "undermine public confidence." (See *Safransky* at 474 (citation omitted).) The Committee considered this definition to be workable and compatible with an AAUP-approved definition of adequate cause for dismissal of a faculty member: "demonstrated incompetence or dishonesty in teaching or research," "substantial and manifest neglect of duty," or "personal conduct which substantially impairs the individual's fulfillment of his institutional responsibilities." (See Faculty Tenure: Commission on Academic Tenure 256 (Keast, ed., 1973).)
2. Prof. Gow's conduct reflects on his position as a faculty member. The Committee found Prof. Gow to lack credibility with respect to disputed issues of fact. Through his questioning and testimony, Prof. Gow provided explanations that ranged from being plausible to evasive to disingenuous, while also suggesting that a broad number of actors may have had conspiratorial motives to pursue this matter. During the hearing, Prof. Gow made statements that directly contradicted statements he had made in media interviews that were incorporated into the hearing record.

Charge 1. Unethical and potentially illegal conduct

Prof. Gow's pattern of behavior demonstrating poor judgment while acting as a visible and recognizable member of the University faculty violated several applicable UW regulations and policies.

Wis. Admin. Code § UWS 8.025, part of the code of ethics governing faculty members, states that no faculty member "may engage in an outside activity if it conflicts with his or her public responsibilities to the University of Wisconsin System or the institution at which [he] is employed." AAUP Statement of Ethics no. 4, while not an enforceable standard in this matter, underlies the

principle of § UWS 8.025: “Professors give due regard to their paramount responsibilities within their institution in determining the amount and character of work done outside it.”

UW System Administration Policy 1292, Workplace Conduct Expectations, includes the duties to protect and preserve UW System Resources, act ethically and with integrity, and promote a culture of compliance. The Committee finds particularly resonant the requirements that an employee “shall act according to the highest ethical and professional standards of conduct” and “be personally accountable for individual actions.” This is consistent with the 1940 AAUP Statement on Principles of Academic Freedom and Tenure, which exhorts professors to “remember that the public may judge their profession and their institutions by their utterances” and “make every effort to indicate that they are not speaking for the institution.”

UWL Employee Handbook, Section E-12 states, “Employees shall ... exhibit a level of behavior supporting ... the best interests of the university, perform assigned duties in an orderly and efficient manner, and adhere to all state, UW System, and UWL policies and directives.” The duty to support the University’s best interest is also reflected in § UWS 8.03(1)(a), which forbids a faculty member to, “in a manner contrary to the interests of the University of Wisconsin System, use or attempt to use his or her public position ... to gain or attempt to gain anything of substantial value for [his] private benefit.”

It is the Committee’s opinion that Prof. Gow’s most serious misconduct was *how he responded to the discovery of his pornographic content* and his removal as chancellor of UWL, as reflected in allegations 3 through 5. The simple act of a faculty member creating pornographic content in their private capacity is not necessarily unethical conduct. The Committee does not dispute Prof. Gow’s right to undertake activities in his private life and is not in a position to direct him to stop producing or alter or remove posted pornographic content.

However, Prof. Gow’s private life is now public by his choice; his private conduct is entangled with his professional role as a UWL faculty member; and how he has acted since the discovery of his pornographic content has affected UWL and the rights of its other employees. Once a faculty member publishes provocative content and is recognized in it as the public face of the University, he must choose whether to respond in a way that supports the best interests of the University, as his employer, or capitalize on the controversy. Prof. Gow clearly chose the latter path, exploiting his role as a UWL faculty member (and former UWL chancellor) to generate additional interest in, views of, and revenue from his pornographic content for his own benefit. It would be impossible for Prof. Gow to continue in his position as a tenured faculty member at UWL without also continuing to benefit from the conflict of interest he has created by placing himself in the public eye, in opposition to UWL’s interests, for his private gain.

Other substantiated allegations under this charge demonstrate how Prof. Gow’s conduct calls into question his fitness to serve as a productive and effective faculty member. Parsing a statement that “all the events described are true” as creative license for books “based on a true story” calls into question intellectual honesty. The record establishes Prof. Gow’s derelictions of duty. The continued lack of accountability displayed six years after the “Nina Hartley incident”, and the engagement with Dr. Dickmeyer about the courses he would teach, suggests an inability to accept criticism and work constructively with colleagues and his chairperson.

By a vote of 5-0, the Committee found just cause to sanction Prof. Gow for unethical conduct. The Committee also voted 5-0 to recommend dismissal of Prof. Gow from his faculty position based on this charge.

Charge 2. Violation of the Interim Chancellor’s work directive to cooperate with investigation

Prof. Gow’s conduct after receiving Chan. Morgan’s directive to cooperate with the investigation, in particular allegations 1 through 3, violated multiple applicable UW policies and directives. UW System Administration Policy 1292, Workplace Conduct Expectations, states that employees must “learn and follow all applicable laws, regulations and UW System policies and procedures” and “conscientiously meet UW System responsibilities.”

Chan. Morgan’s December 29, 2023 letter to Prof. Gow noted that “as a condition of [his] employment, [Prof. Gow] was required to give [the investigators his] full cooperation.”

Similarly, UWL Employee Handbook, Section E-12 states that an employee must “perform assigned duties in an orderly and efficient manner, and adhere to all state, UW System, and UWL policies and directives.”

Prof. Gow’s limited engagement during the investigation deprived the University of the opportunity to find out more information that may have affected the investigation report and, ultimately, the statement of charges. Although he corresponded with Chan. Morgan, Prof. Gow refused to engage substantively with the designated investigators, despite having no other UWL duties to fulfill while on paid leave. Prof. Gow had 40 days to schedule an interview with the investigators but failed to do so.

By a vote of 4-1, the Committee found just cause to sanction Prof. Gow for violating the work directive to cooperate with the investigation.² For this charge, the Committee would recommend a sanction of suspension but for its recommendation of dismissal for Charge 1.

Charge 3. Violation of information technology use policies

Prof. Gow’s use of UWL information technology resources violates Regent Policy Document 25-3, Acceptable Use of Information Technology Resources. RPD 25-3 states that unacceptable use of IT resources includes the “storage, display, transmission, or intentional or solicited receipt of material that is or may reasonably be regarded as obscene, sexually explicit, or pornographic.” It is unquestionable that the sex product-related emails were stored in Prof. Gow’s email account. In addition, the pornography-related Amazon purchases and xHamster form printing were clearly intentional. The hearing record also demonstrates that Prof. Gow solicited and obtained University headshots that he subsequently used for his social media accounts promoting his pornographic content.

² The Committee member voting in dissent cited evidence that Prof. Gow regularly communicated with Chan. Morgan in response to attempts to schedule an investigatory interview, updating the University on his efforts to procure legal representation, providing records of the Amazon earnings requested by the investigators, and offering to answer questions in writing.

The Committee does not consider there to be “a bonafide, university-related academic or research pursuit” available to excuse Prof. Gow’s use of IT resources, as Prof. Gow has described this as a private pursuit, which he hid from University officials.


In addition, based on the exposure and revenue Prof. Gow stated has flowed from his pornographic content, this conduct violates RPD 25-3 because it furthers “outside employment, commercial activities, or other forms of private financial gain.”

By a vote of 5-0, the Committee found just cause to sanction Prof. Gow for violating information technology use policies. In the Committee’s view, it would be appropriate to discipline Prof. Gow with a sanction such as a reprimand or corrective instruction for this charge.

Recommendation


After considering all testimony and materials submitted and presented by the parties, the Committee finds that the University administration has established, by a clear preponderance of the evidence, just cause to dismiss Prof. Gow based on his responsibility for the charges set forth above.


The Committee has submitted this report to the Chancellor and Prof. Gow per § UWS 4.07(1) and the chair of the UWL Faculty Senate per UWL Bylaws § II.N.3.d.v.

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